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98TH CONGRESS
1ST SESSION

H. R. 2300

To provide that a former spouse of a Federal employee who is married to such employee for ten years or more shall be entitled to a portion of such employee's annuity and to a portion of the annuity of any surviving spouse of such employee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1983

~~Mrs. SCHROEDER~~ introduced the following bill; which was referred to the
Committee on Post Office and Civil Service

A BILL

To provide that a **former spouse** of a **Federal employee** who is married to such employee for ten years or more shall be entitled to a portion of such employee's annuity and to a portion of the **annuity of any surviving spouse** of such employee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Civil Service
5 Spouse Retirement Equity Act".

DEFINITIONS

2 SEC. 2. (a) Section 8331 of title 5, United States Code,
3 relating to definitions for purposes of civil service retirement,
4 is amended by adding at the end thereof the following new
5 paragraphs:

6 “(23) ‘court’ means any court of any State or of
7 the District of Columbia;

8 “(24) ‘court order’ means any court decree of di-
9 vorce or annulment, or any court order or court ap-
10 proved property settlement agreement incident to any
11 court decree of divorce or annulment which orders that
12 a portion of the annuity of an employee or Member, or
13 survivor benefit based on the service of such employee
14 or Member, be paid to that spouse by such employee or
15 Member, the Director of the Office of Personnel Man-
16 agement, or the Government;

17 “(25) ‘former spouse’ means a former wife or hus-
18 band of an individual who was married to such individ-
19 ual for not less than 10 years during periods of service
20 by that individual which are creditable under section
21 8332 of this title;

22 “(26) ‘pro rata share’, in the case of any former
23 spouse of any individual, means a percentage which is
24 equal to the percentage that (A) the number of years
25 during which the former spouse was married to the in-

1 “(A) if married to the employee or Member
2 throughout that employee’s or Member’s period of
3 creditable service, equal to 50 percent of the annuity
4 (determined without regard to the reduction under
5 paragraph (5) of this subsection) to which such employ-
6 ee or Member is entitled, or

7 “(B) if not married to the employee or Member
8 throughout the period of creditable service, equal to
9 that former spouse’s pro rata share of 50 percent of
10 such annuity.

11 “(2) A former spouse shall not be qualified for an annu-
12 ity under this subsection if before the commencement of that
13 annuity the former spouse remarries before becoming 60
14 years of age.

15 “(3) The annuity of a former spouse under this subsec-
16 tion commences on the later of the day the employee or
17 Member upon whose service the annuity is based becomes
18 entitled to an annuity under this subchapter or the first day of
19 the month in which the divorce or annulment involved be-
20 comes final. The annuity of such former spouse and the right
21 thereto terminate on—

22 “(A) the last day of the month before the former
23 spouse dies or remarries before 60 years of age; or

1 “(B) the date the annuity of the employee or
2 Member terminates (except in the case of an annuity
3 subject to paragraph (5)(B)).

4 “(4) No spousal agreement or court order under section
5 8345(j) of this title involving any employee or Member may
6 provide for an annuity or any combination of annuities under
7 this subsection which exceeds the annuity of the employee or
8 Member, nor may any such court order relating to an annuity
9 under this subsection be given effect if it is issued more than
10 12 months after the date the divorce or annulment involved
11 becomes final.

12 “(5)(A) The annuity payable to any employee or
13 Member shall be reduced by the amount of an annuity under
14 this subsection paid to any former spouse based upon the
15 service of that employee or Member. Such reduction shall be
16 disregarded in calculating the survivor annuity for any
17 spouse, former spouse, or other survivor under this sub-
18 chapter, and in calculating any reduction in the annuity of
19 the employee or Member to provide survivor benefits under
20 subsection (b) or section 8341(b)(1) of this title.

21 “(B) If any disability annuitant whose annuity is re-
22 duced under subparagraph (A) becomes reinstated or reap-
23 pointed in the civil service, the pay of that annuitant shall be
24 reduced by the same amount as the annuity would have been
25 reduced if it had continued. Amounts equal to the reductions

1 under this subparagraph shall be deposited in the Treasury of
2 the United States to the credit of the Fund.

3 “(6) Notwithstanding paragraph (3), in the case of any
4 former spouse of a disability annuitant—

5 “(A) the annuity of that former spouse shall com-
6 mence on the date the employee or Member would
7 qualify on the basis of the employee’s or Member’s
8 creditable service for an annuity under this subchapter
9 (other than a disability annuity) or the date the disabil-
10 ity annuity begins, whichever is later, and

11 “(B) the amount of the annuity of the former
12 spouse shall be calculated on the basis of the annuity
13 for which the employee or Member would otherwise so
14 qualify.

15 “(b)(1) Subject to any election under section 8339(j) of
16 this title and unless otherwise expressly provided by any
17 spousal agreement or court order under section 8345(j) of this
18 title, if a former employee or Member who is entitled to re-
19 ceive an annuity is survived by a former spouse, the former
20 spouse shall be entitled to a survivor annuity—

21 “(A) if married to the employee or Member
22 throughout the creditable service of the employee or
23 Member, equal to 55 percent of the full amount of the
24 employee’s or Member’s annuity, as computed under
25 section 8339 of this title, or

1 “(B) if not married to the employee or Member
2 throughout such creditable service, equal to that former
3 spouse’s pro rata share of 55 percent of the full
4 amount of such annuity.

5 “(2) A former spouse shall not be qualified for an annu-
6 ity under this subsection if before the commencement of that
7 annuity the former spouse remarries before becoming 60
8 years of age.

9 “(3) An annuity payable from the Fund to a surviving
10 former spouse under this subsection shall commence on the
11 day after the annuitant dies and shall terminate on the last
12 day of the month before the former spouse’s death or remar-
13 riage before attaining age 60. If such a survivor annuity is
14 terminated because of remarriage, it shall be restored at the
15 same rate commencing on the date such remarriage is termi-
16 nated if any lump sum paid upon termination of the annuity is
17 returned to the Fund.

18 “(4)(A) The maximum survivor annuity or combination
19 of survivor annuities under this section (and section 8341(b))
20 with respect to any employee or Member may not exceed 55
21 percent of the full amount of the employee’s or Member’s
22 annuity, as calculated under section 8339 of this title.

23 “(B) Once a survivor annuity has been provided for
24 under this subsection for any former spouse, a survivor annu-
25 ity may thereafter be provided for under this subsection (or

1 section 8341(b)) with respect to an employee or Member only
2 for that portion (if any) of the maximum available which is
3 not committed for survivor benefits for any former spouse
4 whose prospective right to such annuity has not terminated
5 by reason of death or remarriage.

6 “(C) After the death of an employee or Member, a court
7 order under section 8345(j) of this title may not adjust the
8 amount of the annuity of any former spouse under this
9 subsection.

10 “(5)(A) For each full month after a former spouse of an
11 employee or Member dies or remarries before attaining age
12 60, the annuity of the employee or Member, if reduced to
13 provide a survivor annuity for that former spouse, shall be
14 recomputed and paid as if the annuity had not been so re-
15 duced, unless an election is in effect under subparagraph (B).

16 “(B) Subject to paragraph (4)(B), the employee or
17 Member may elect in writing within one year after receipt of
18 notice of the death or remarriage of the former spouse to
19 continue the reduction in order to provide a higher survivor
20 annuity under section 8341(b) of this title for any spouse of
21 the employee or Member.

22 “(c)(1) In the case of any employee or Member provid-
23 ing a survivor annuity benefit under subsection (b) for a
24 former spouse—

25 “(A) such employee or Member may elect, or

1 “(B) a spousal agreement or court order under
2 section 8345(j) of this title may provide for,
3 an additional survivor annuity under this subsection for any
4 other former spouse or spouse surviving the employee or
5 Member, if the employee or Member satisfactorily passes a
6 physical examination as prescribed by the Office of Personnel
7 Management.

8 “(2) Neither the total amount of survivor annuity or an-
9 nuities under this subsection with respect to any employee or
10 Member, nor the survivor annuity or annuities for any one
11 surviving spouse or former spouse of such employee or
12 Member under this section and section 8341 of this title, shall
13 exceed 55 percent of the full amount of the employee’s or
14 Member’s annuity, as computed under section 8339 of this
15 title.

16 “(3)(A) In accordance with regulations which the Office
17 shall prescribe, the employee or Member involved may pro-
18 vide for any annuity under this subsection—

19 “(i) by a reduction in the annuity or an allotment
20 from the pay of the employee or Member,

21 “(ii) by a lump sum payment or installment pay-
22 ments to the Fund, or

23 “(iii) by any combination thereof.

24 “(B) The present value of the total amount to accrue to
25 the Fund under subparagraph (A) to provide any annuity

1 under this subsection shall be actuarially equivalent in value
2 to such annuity, as calculated upon such tables of mortality
3 as may from time to time be prescribed for this purpose by
4 the Office.

5 “(C) If a former spouse predeceases the employee or
6 Member or remarries before attaining age 60 (or, in the case
7 of a spouse, the spouse does not qualify as a former spouse
8 upon dissolution of the marriage)—

9 “(i) if an annuity reduction or salary allotment
10 under subparagraph (A) is in effect for that spouse or
11 former spouse, the annuity shall be recomputed and
12 paid as if it had not been reduced or the salary allot-
13 ment terminated, as the case may be, and

14 “(ii) any amount accruing to the Fund under sub-
15 paragraph (A) shall be refunded, but only to the extent
16 that such amount may have exceeded the actuarial cost
17 of providing benefits under this subsection for the
18 period such benefits were provided, as determined
19 under regulations prescribed by the Office.

20 “(D) Under regulations prescribed by the Office, an an-
21 nuity shall be recomputed (or salary allotment terminated or
22 adjusted), and a refund provided (if appropriate), in a manner
23 comparable to that provided under subparagraph (C), in order
24 to reflect a termination or reduction of future benefits under
25 this subsection for a spouse in the event a former spouse of

1 the employee or Member dies or remarries before attaining
2 age 60 and an increased annuity is provided for that spouse
3 in accordance with this subchapter.

4 “(4) An annuity payable under this subsection to a
5 spouse or former spouse shall commence on the day after the
6 employee or Member dies and shall terminate on the last day
7 of the month before the former spouse’s death or remarriage
8 before attaining age 60.

9 “(5) Section 8340 of this title shall not apply to any
10 annuity under this subsection, unless authorized under regu-
11 lations prescribed by the Office.

12 “(d)(1) Section 8345(f) of this title shall not apply—

13 “(A) to any annuity payable under subsection (a)
14 or (b) to any former spouse if the amount of that annu-
15 ity varies by reason of a spousal agreement or court
16 order under section 8345(j), or an election under sec-
17 tion 8339(j), from the amount which would be calculat-
18 ed under subsection (a)(1) or (b)(1), as the case may be,
19 in the absence of such spousal agreement, court order,
20 or election; and

21 “(B) to any annuity payable under subsection (c).

22 “(2) A former spouse is not entitled to an annuity under
23 this subchapter based upon the service of an employee or
24 Member unless the former spouse elects to receive it instead
25 of any other annuity to which the former spouse may be enti-

1 tled under this subchapter or any retirement system for Gov-
2 ernment employees on the basis of a marriage to someone
3 other than the employee or Member.”.

4 (b) Section 8332 of title 5, United States Code, relating
5 to creditable service, is amended by adding at the end thereof
6 the following new subsection:

7 “(n)(1) Service of an employee or Member shall be con-
8 sidered creditable service for purposes of applying provisions
9 of this subchapter relating to former spouses if such service
10 would be creditable—

11 “(A) under subsection (k) (1) or (2) but for the fact
12 an election was not made under subsection (k)(1) or a
13 special contribution was not made under subsection
14 (k)(2), and

15 “(B) under section 8334(d) but for the fact that a
16 refund of contributions has not been repaid unless the
17 former spouse received under this subchapter a portion
18 of the lump sum (or a spousal agreement or court order
19 provided otherwise).

20 “(2) A former spouse shall not be considered as married
21 to an employee or Member for periods assumed to be credit-
22 able service under section 8341(d)(2) of this title.”.

23 (c)(1) Section 8341(b) of title 5, United States Code,
24 relating to survivor spouse annuities, is amended by adding at
25 the end thereof the following new paragraph:

1 “(4) Notwithstanding the preceding paragraphs in this
2 subsection and subsection (d), the amount of the annuity cal-
3 culated under this subsection for a surviving spouse in any
4 case in which there is also a surviving former spouse who
5 qualifies for an annuity under section 8341A(b) with respect
6 to the same employee or Member may not exceed 55 percent
7 of the portion (if any) of the base for survivor benefits which
8 remains available under section 8341A(b)(4)(B).”.

9 (2) Section 8341(d) of title 5, United States Code, relat-
10 ing to survivor spouse annuities in the case of death in serv-
11 ice, is amended by adding at the end thereof the following
12 new sentence: “Any surviving former spouse shall be entitled
13 to an annuity under section 8341A(b) as if the employee or
14 Member died after being entitled to an annuity under this
15 subchapter.”.

16 (d)(1) Section 8342(a) of title 5, United States Code,
17 relating to lump-sum benefits, is amended by striking out “is
18 entitled” and inserting in lieu thereof “(and any former
19 spouse of such employee or Member, in accordance with sub-
20 section (j)) are entitled”.

21 (2) Section 8342 of title 5, United States Code, is
22 amended by adding at the end thereof the following:

23 “(j) Unless otherwise expressly provided by any spousal
24 agreement or court order under section 8345(j) of this title,

1 the amount of an employee's or Member's lump-sum credit
2 payable to a former spouse shall be—

3 “(1) if the former spouse was married to the em-
4 ployee or Member throughout the period of creditable
5 service, 50 percent of the lump-sum credit to which
6 such employee or Member would be entitled in the ab-
7 sence of this subsection, or

8 “(2) if such former spouse was not married to the
9 employee or Member throughout the period of his cred-
10 itable service, an amount equal to such former spouse's
11 pro rata share of 50 percent of such lump-sum credit.
12 The lump-sum credit of the employee or Member shall be
13 reduced by the amount of the lump-sum credit payable to the
14 former spouse.”.

15 (e) Section 8344 of title 5, United States Code, relating
16 to annuities and pay on reemployment, is amended by re-
17 designating subsection (e) as subsection (f) and by inserting
18 after subsection (d) the following new subsection:

19 “(e) The Office shall prescribe regulations to provide for
20 the application of this section in any case in which an annu-
21 itant has a former spouse entitled to an annuity under section
22 8341A of this title.”.

23 (f) The table of sections for chapter 83 of title 5, United
24 States Code, is amended by inserting after the item relating
25 to section 8341 the following new item:

“8341A. Former spouse annuities.”.

1 JOINT EMPLOYEE-SPOUSE ELECTIONS

2 SEC. 4. (a) Section 8339(j) of title 5, United States
3 Code, relating to election of survivor annuities, is amended to
4 read as follows:

5 “(j)(1)(A) Except to the extent provided otherwise under
6 a written election under subparagraph (B) or (C), if at the
7 time of retirement an employee or Member is married (or has
8 a former spouse who has not remarried before attaining age
9 60), the employee or Member shall receive a reduced annuity
10 and provide a survivor annuity under section 8341(b) for the
11 employee’s or Member’s spouse or a survivor annuity under
12 section 8341A(b) for the former spouse, or a combination of
13 such annuities, as the case may be.

14 “(B) At the time of retirement, a married employee or
15 Member and the employee’s or Member’s spouse may jointly
16 elect to waive a survivor annuity for that spouse under sec-
17 tion 8341(b) (or under section 8341A(b) if the spouse later
18 qualifies as a former spouse under section 8331(25)), or to
19 reduce such a survivor annuity by designating a portion of
20 the annuity of the employee or Member as the base for the
21 survivor benefit. Any such election shall be in writing and
22 shall be acknowledged before a notary public. In the event
23 the marriage is dissolved following an election for such a re-
24 duced annuity and the spouse qualifies as a former spouse,
25 the base used in calculating any annuity of the former spouse

1 under section 8341A(b) may not exceed the portion of the
2 employee's or Member's annuity designated under this
3 subparagraph.

4 “(C) If an employee or Member has a former spouse, the
5 employee or Member and such former spouse may jointly
6 elect by spousal agreement under section 8345(j) to waive a
7 survivor annuity under section 8341A(b) for that former
8 spouse if the election is made (i) before the end of the 12-
9 month period after the divorce or annulment involving that
10 former spouse becomes final or (ii) at the time of retirement,
11 whichever occurs first.

12 “(D) The Office of Personnel Management may pre-
13 scribe regulations under which an employee or Member may
14 make an election under subparagraph (B) or (C) without the
15 employee's or Member's spouse or former spouse if the em-
16 ployee or Member establishes to the satisfaction of the Office
17 that the employee or Member does not know, and has taken
18 all reasonable steps to determine, the whereabouts of the
19 spouse or former spouse.

20 “(2) The annuity of an employee or Member providing a
21 survivor benefit under section 8341(b) (or section 8341A(b)),
22 excluding any portion of the annuity not designated or com-
23 mitted as a base for any survivor annuity, shall be reduced by
24 2½ percent of the first \$3,600 plus 10 percent of any
25 amount over \$3,600. The reduction under this paragraph

1 shall be calculated before any reduction under section
2 8341A(a)(5).

3 “(3) An annuity which is reduced under this subsection
4 or any similar prior provision of law to provide a survivor
5 benefit for a spouse shall, if the marriage of the employee or
6 Member is dissolved, be recomputed and paid for each month
7 during which the employee or Member is not married (or is
8 remarried if there is no election in effect under the following
9 sentence) as if the annuity had not been reduced, subject to
10 any reduction required to provide a survivor benefit under
11 section 8341A (b) or (c). Upon remarriage the retired em-
12 ployee or Member may irrevocably elect, by means of a
13 signed writing received by the Office within one year after
14 such remarriage, to receive during such marriage a reduction
15 in annuity for the purpose of allowing an annuity for the new
16 spouse of the annuitant in the event such spouse survives the
17 annuitant. Such reduction shall be equal to the reduction in
18 effect immediately before the dissolution of the previous mar-
19 riage (unless such reduction is adjusted under section
20 8341A(b)(5)), and shall be effective the first day of the first
21 month beginning one year after the date of remarriage.

22 “(4) The Office shall, on an annual basis—

23 “(A) inform each employee and Member of the
24 rights of election under this subsection; and

1 “(B) to the maximum extent practicable, inform
2 spouses or former spouses of employees and Members
3 of their rights under this subchapter.”.

4 (b) Section 8339(k)(1) of title 5, United States Code,
5 relating to annuities for individuals having insurable interests,
6 is amended by inserting after “an unmarried employee or
7 Member” the following: “who does not have a former spouse
8 for whose benefit a reduction is made in the employee’s or
9 Member’s annuity and”.

10 (c) Section 8341(b)(1) of title 5, United States Code, is
11 amended by striking out “unless the employee or Member
12 has notified the Office” and all that follows and inserting in
13 lieu thereof the following: “unless an election has been made
14 under section 8339(j)(1) or, in the case of remarriage, an
15 election has not been made under section 8339(j)(3).”.

16 (d) Section 8344(a) of title 5, United States Code, relat-
17 ing to annuities and pay on reemployment, is amended by
18 striking out “unless, at the time of claiming the increase pay-
19 able under subparagraph (A), the annuitant notifies the Office
20 of Personnel Management in writing that he does not desire
21 the survivor annuity to be increased” and inserting in lieu
22 thereof “unless the annuitant and the annuitant’s spouse
23 jointly elect to the contrary at the time in a written election
24 acknowledged before a notary public”.

1 SPOUSAL AGREEMENTS AND COURT ORDERS

2 SEC. 5. Section 8345(j) of title 5, United States Code,
3 relating to court orders concerning the dissolution of mar-
4 riage, is amended to read as follows:

5 “(j)(1)(A) In the case of any employee or Member who
6 has a former spouse who is covered by a court order or who
7 is a party to a spousal agreement—

8 “(i) any right of the former spouse to any annuity
9 under section 8341A(a) in connection with any retire-
10 ment or disability annuity of the employee or Member,
11 and the amount of any such annuity;

12 “(ii) any right of the former spouse to a survivor
13 annuity under section 8341A (b) or (c), and the amount
14 of any such annuity; and

15 “(iii) any right of the former spouse to any pay-
16 ment of a lump-sum credit under section 8342;

17 shall be determined in accordance with that spousal agree-
18 ment or court order, if and to the extent expressly provided
19 for in the terms of that spousal agreement or court order.

20 “(B) This paragraph shall not apply in the case of any
21 spousal agreement or court order which, as determined by
22 the Office of Personnel Management, is inconsistent with the
23 requirements of this subchapter.

24 “(2) Except with respect to obligations between employ-
25 ees or Members and former spouses, payments under this

1 subchapter which would otherwise be made to an employee
2 or Member based upon the employee's or Member's service
3 shall be paid (in whole or in part) by the Office to another
4 individual to the extent expressly provided for in the terms of
5 any order or any court decree of legal separation, or the
6 terms of any court order or court-approved property settle-
7 ment agreement incident to any court decree of legal
8 separation.

9 “(3) Paragraphs (1) and (2) shall apply only to payments
10 made under this subchapter for periods beginning after the
11 date of receipt by the Office of written notice of such decree,
12 order, or agreement, and such additional information and
13 such documentation as the Office may require.

14 “(4) Any payment under this subsection to an individual
15 bars recovery by any other individual.

16 “(5) The 10-year requirement of section 8331(25), or
17 any other provision of this subchapter, shall not be construed
18 to affect the rights any spouse or individual formerly married
19 to an employee or Member may have, under any law or rule
20 of law of any State or the District of Columbia, with respect
21 to an annuity of an employee or Member under this
22 subchapter.”.

1 SURVIVOR BENEFITS IN THE CASE OF DIVORCES PRIOR
2 TO EFFECTIVE DATE

3 SEC. 6. (a) Any current or former employee or Member
4 in the Civil Service Retirement and Disability System who
5 on the effective date, has a former spouse shall receive a
6 reduced annuity and provide a survivor annuity for such
7 former spouse under section 8341A(b) of title 5, United
8 States Code, if—

9 (1) the employee or Member so elects by means of
10 a spousal agreement, or

11 (2) a court order so provides.

12 (b)(1) If the employee or Member has not retired under
13 such system on or before the effective date, an election under
14 subsection (a)(1) may be made, or a court order under subsec-
15 tion (a)(2) may be issued, at any time before retirement.

16 (2) If the employee or Member has retired under such
17 system on or before the effective date of this Act, an election
18 under subsection (a)(1) may be made, or a court order under
19 subsection (a)(2) may be issued, within such period after the
20 effective date as the Office of Personnel Management may
21 prescribe.

22 (3) In any case in which an employee or Member is
23 married and has been married for more than one year, an
24 election under subsection (a)(1) may only be made with the

1 written concurrence of the spouse of the employee or
2 Member.

3 (4) For purposes of applying subchapter III of chapter
4 83 of title 5, United States Code, any such election or court
5 order shall be treated the same as if it were a spousal agree-
6 ment or court order under section 8345(j) of title 5, United
7 States Code.

8 (c)(1) An election under subsection (a)(1) may provide
9 for a survivor benefit based on all or any portion of that part
10 of the annuity of the employee or Member which is not desig-
11 nated or committed as a base for survivor benefits for a
12 spouse or any other former spouse of the employee or
13 Member. The employee or Member and the employee's or
14 Member's spouse may make an election under section
15 8339(j)(1)(B) of title 5, United States Code, prior to the time
16 of retirement for the purpose of allowing survivor benefits to
17 be provided under this section.

18 (2) A court order under subsection (a)(2) may provide for
19 an annuity for a former spouse which does not exceed that
20 former spouse's pro rata share of 55 per centum of the full
21 amount of the annuity of employee or Member.

22 (d) The amount of the reduction in the employee's or
23 Member's annuity shall be determined in accordance with
24 section 8339(b)(2) of title 5, United States Code. Such reduc-
25 tion shall be effective as of—

1 (1) the commencing date of the employee's or
2 Member's annuity, in the case of an election under sub-
3 section (b)(1), or

4 (2) the effective date of this Act, in the case of an
5 election under subsection (b)(2).

6 (e) In the case of an employee or Member who died
7 before the effective date of this Act after becoming entitled to
8 an annuity and who—

9 (1) at the time the employee or Member became
10 entitled to an annuity was married and did not elect
11 not to provide for a survivor annuity for any surviving
12 spouse under section 8339(j)(1) of title 5, United States
13 Code;

14 (2) subsequently was divorced from the spouse to
15 whom the employee or Member was married at the
16 time of retirement;

17 (3) died and was not married at the time of death
18 (or if then married, was not married to an individual
19 entitled to an annuity under section 8341(b) of title 5,
20 United States Code),

21 the individual to whom the employee or Member was married
22 at the time the employee or Member retired shall be entitled
23 to an annuity under section 8341 of title 5, United States
24 Code, as if married to the Member at the time of death if the
25 individual is qualified as a former spouse.

1 (f) For purposes of this section, the terms “former
2 spouse”, “employee”, “Member”, “court order”, and “spou-
3 sal agreement” have the same meanings as when used in
4 subchapter III of chapter 83 of title 5, United States Code.

5 EFFECTIVE DATE

6 SEC. 7. (a) The provisions of this Act shall take effect
7 beginning on the one hundred and twentieth day after the
8 date of the enactment of this Act.

9 (b) The preceding sections of this Act regarding the
10 rights of former spouses to any annuity under section
11 8341A(a) of title 5, United States Code, shall apply in the
12 case of any individual who after the effective date of this Act
13 becomes a former spouse of a current or forum employee or
14 member in the Civil Service Retirement and Disability
15 System.

16 (c) Except to the extent provided in section 6, the provi-
17 sions of this Act regarding the rights of former spouses to
18 receive survivor annuities under subchapter III of chapter 83
19 of such title 5 shall apply in the case of any individual who
20 after the effective date of this Act becomes a former spouse of
21 a current or former employee or Member in the Civil Service
22 Retirement and Disability System.



E 1302

CONGRESSIONAL RECORD — Extensions of Remarks

March 24, 1983

in March 1981 under the Wallace-Cater Act and applied to EDA for a grant to build a barge loading facility in the newly designated Crossroads of America Industrial Park. EDA approved a grant for \$1,545,600 in September 1982 which requires matching funds in the amount of \$386,400 from the local Board.

In order to meet the requirements by EDA for access roads to the barge loading facility and to build other parts of the infrastructure such as sewer and water systems and rail spurs in the Crossroads of America Park, the Greene County Economic and Industrial Development Board received a grant of \$7,179,000 in January 1983 from the Tombigbee Valley Development Authority, a state agency. Subsequently, the local entity governments added \$115,000 to this state grant.

In summary, the officials of Greene County, the city of Eutaw and the Towns of Boligee and Forkland and many private citizens have contributed extensively of their time and effort. State and local funds (exclusive of federal funds) in excess of \$10,000,000 have been contributed in support of industrial development along the Tennessee-Tombigbee Waterway. This was accomplished in spite of being a small county with a population of only 11,021 (1980 census).

Mr. Speaker, I would like to take this opportunity and commend the members of the Greene County Economic and Industrial Development Board, local officials from Eutaw, Boligee, and Forkland, and numerous private citizens for their efforts in helping to bring economic growth and recovery to the area. This kind of action is what we need to turn our country around.

This development by the board shows the high degree of confidence and anticipation being placed in completion of the Tennessee-Tombigbee Waterway. I have long considered this project to be a sound investment in our Nation's transportation system. It would be a tragic mistake, both economically and environmentally to stop the Tennessee-Tombigbee Waterway project today before the full benefits can be realized.●

BENEFITS FOR DIVORCED CIVIL SERVICE SPOUSES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation to amend the civil service retirement system to provide retirement benefits to divorced spouses. This legislation is modeled after laws enacted for spouses of Foreign Service and CIA personnel.

Since 1974, all but two states have adopted some form of no-fault divorce, which has eliminated the traditional defenses against divorce. As a result, the divorce rate has doubled, with limited, if any, spousal support provided. Since alimony ceases with the death of the retiree, the long-term spouse has no protection for old age.

Because of this surging divorce rate, retirement laws have been changed to provide greater economic security to older women.

In 1965, the Social Security Act was amended to provide benefits for divorced spouses married 20 years or more. In 1977, the marriage requirement was reduced to 10 years.

In 1980, Public Law 94-465 was enacted to permit divorced spouses of Foreign Service personnel to receive a pro rata share of the retirement annuity and survivors benefits, subject to court review, modification, or rejection.

In 1982, Public Law 97-269 was enacted to provide the same benefits for CIA spouses as had been provided for the Foreign Service.

The bill I introduce today is based on the premise that marriage is an economic partnership and that the retirement credits earned during the marriage should be shared upon divorce. It is my contention that the spouse makes a significant contribution toward the employee's ability to earn the wage and consequently receive the pension.

This bill would make survivors benefits mandatory unless the retiree and spouse and former spouse, if any, elect in a notarized signed writing to waive survivors benefits.

It would also entitle a divorced spouse married 10 years or more to a pro rata share of the retirement and survivors benefits. The exact amount of the former spouse annuity would depend upon the number of years of marriage that overlap with the creditable years of service. The former spouse married during the entire period of creditable work years would be entitled to a maximum of 50 percent of the retirement benefits.

The legislation would tie the entitlement to the divorce proceedings. The divorce courts could modify or reject the pro rata formula contained in the bill. This permits the courts to review each case individually on its own merits.

The provisions are prospective for those who become divorced after enactment. Spouses who remarry before age 60 would lose their entitlement to a pro rata share of the retirement benefits. A former spouse previously married to another Federal employee or member of the armed services, would only be entitled to one survivor annuity. The bill would permit the voluntary assignment of survivors benefits to an already divorced spouse. In the event that a deceased retiree elected survivors benefits but had no qualified beneficiary of the survivors benefits, the former spouse would be entitled to these benefits.

Retirement issues are women's issues since a majority of those over age 65 are female. Women outnumber men 2 to 1 in the rapidly expanding population over age 75. Older women are the fastest growing poverty group in America. Seventy-two percent of

the elderly poor are widowed, divorced or never married women. Median income for these women is \$3,087 for those over 65 and \$4,533 for those between 55 and 65. Many of these women would like to work to supplement their meager incomes but most find it difficult to find jobs because of lack of work experience and others become too sick or old to work.

Most of these women have not always been poor, but their circumstances have deteriorated with advancing age. What happens to them is not inevitable, but rather the result of discrimination throughout their lives which strikes its cruelest blow at the end. It is my view that our retirement systems contribute to the economic impact of sex discrimination and punishes women for their traditional roles in society.●

COMMEND CONGRESSIONAL BLACK CAUCUS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. MOODY. Mr. Speaker, I would like to commend the hard work and responsible leadership of the Congressional Black Caucus (CBC) in developing an alternative budget. Although the majority of the Black Caucus members will be voting for the Democratic budget shaped by Chairman JONES, they have rendered this body and the Nation with an invaluable service by offering an alternative budget which is both fair and fiscally responsible.

We know that the CBC budget is fair and compassionate. Many of its best and most constructive proposals for the social safety net were incorporated in the Jones' budget. But I want to center my remarks on the responsible nature of the CBC budget:

First, it embodies a commitment to reduce deficits significantly below those proposed by President Reagan. The outyear deficits in the CBC budget will be only one-third of those called for by the President. The CBC budget, therefore, leans more strongly toward economic recovery and growth than the President's own budget.

Second, the CBC budget responsibly approaches the issue of tax reform. Rather than simply eliminate the third leg of the tax cut scheduled for July 1983, it limits the tax cut to the first \$50,000 of the gross revenue, after which the phaseout commences. In this sense the CBC budget is less drastic in its revenue section than the Democratic alternative.

Third, the CBC budget responsibly restores education, health, housing, and nutrition programs which were excessively cut in the last two budgets. This is important because it is cost effective to invest in human beings, and